

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

IN RE YASMIN AND YAZ (DROSPIRENONE))	3:09-md-02100-DRH-PMF
MARKETING, SALES PRACTICES AND)	
PRODUCTS LIABILITY LITIGATION)	MDL No. 2100

ORDER

This Document Relates to:

Ashley Adams v. Bayer Corp. et al.
No. 3:10-cv-10161-DRH-PMF

Lauren Baker v. Bayer Corp. et al.
No. 3:10-cv-10107-DRH-PMF

Alexis Callaway v. Bayer Corp. et al.
No. 3:10-cv-10051-DRH-PMF

**Andrea Fox v. Bayer Corp. et al. No.
3:10-cv-10363-DRH-PMF**

Nakeda Guyden v. Bayer Corp. et al.
No. 3:10-cv-10435-DRH-PMF

**Paula Lee v. Bayer Corp. et al. No.
3:10-cv-10364-DRH-PMF**

Cindy Osorio v. Bayer Corp. et al.
No. 3:09-cv-20065-DRH-PMF

Phylicia Ramsey v. Bayer Corp. et al. No. 3:10-cv-10245-DRH-PMF

Paula Richardson v. Bayer Corp. et al. No. 3:09-cv-10220-DRH-PMF

ORDER

HERNDON, Chief Judge:

This matter is before the Court on Defendant Bayer HealthCare Pharmaceuticals Inc.'s motion, pursuant to Case Management Order 12 ("CMO 12"), for an Order dismissing Plaintiffs' claims in the above-captioned matters without prejudice for failure to comply with their Plaintiff Fact Sheet ("PFS") obligations.¹

Under Section E of CMO 12, Plaintiffs were given 14 days from the date of Defendant's motion to file a response either certifying that they served upon Defendants and Defendants received a completed PFS, and attaching appropriate documentation of receipt or an opposition to Defendant's motion.

Plaintiffs in the following member actions timely filed a response that complies with the requirements of CMO 12 Section E:

- ***Paula Lee v. Bayer Corporation*** et al 3:10-cv-10364-DRH-PMF (Doc. 14)
- ***Nakeda Guyden v. Bayer Corporation*** et al 3:10-cv-10435-DRH-PMF (Doc. 14)

¹ Under Section C of CMO 12, each Plaintiff is required to serve Defendants with a completed PFS, including a signed Declaration, executed record release Authorizations, and copies of all documents subject to the requests for production contained in the PFS which are in the possession of Plaintiff. Section B of CMO 12 further provides that a completed PFS is due "45 days from the date of service of the first answer to her Complaint or the docketing of her case in this MDL, or 45 days from the date of this Order, whichever is later."

- ***Andrea Fox v. Bayer Corp. et al.*** No. 3:10-cv-10363-DRH-PMF (Doc. 6)

Plaintiffs in the following member actions have failed to file the requisite the pleadings and paperwork in the time allotted under CMO 12 (pursuant to CMO 12 Plaintiffs had 14 days from the date of Defendants' motion to file a response in accord with the requirements set forth in CMO 12)²

- ***Ashley Adams v. Bayer Corp. et al.*** No. 3:10-cv-10161-DRH-PMF
- ***Lauren Baker v. Bayer Corp. et al.*** No. 3:10-cv-10107-DRH-PMF
- ***Alexis Callaway v. Bayer Corp. et al.*** No. 3:10-cv-10051-DRH-PMF
- ***Cindy Osorio v. Bayer Corp. et al.*** No. 3:09-cv-20065-DRH-PMF
- ***Phylicia Ramsey v. Bayer Corp. et al.*** No. 3:10-cv-10245-DRH-PMF
- ***Paula Richardson v. Bayer Corp. et al.*** No. 3:09-cv-10220-DRH-PMF

Accordingly, the Court hereby **Orders** as follows:

The Following Member Actions are dismissed without prejudice for failure to comply with the requirements of CMO 12:

- ***Ashley Adams v. Bayer Corp. et al.*** No. 3:10-cv-10161-DRH-PMF
- ***Lauren Baker v. Bayer Corp.*** et al. No. 3:10-cv-10107-DRH-PMF
- ***Alexis Callaway v. Bayer Corp.*** et al. No. 3:10-cv-10051-DRH-PMF

² The Court notes that CM/ECF inaccurately states that Plaintiffs had until September 27, 2010 to respond to Defendant's motion to dismiss. Pursuant to CMO 12, the responsive deadline was 14 days from the August 23, 2010. Thus, the responsive deadline provided by CM/ECF is inaccurate. The Court has previously noted in orders in this MDL and during a status conference in this MDL that when deadlines provided by CM/ECF conflict with orders of this Court, the Court ordered deadline will always control. Further, Rule 3 of the Court's electronic filing rules states: "The filer is responsible for calculating the response time under the federal and/or local rules. The date generated by CM/ECF is a guideline only, and, if the Court has ordered the response to be filed on a date certain, the Court's order governs the response deadline."

- ***Cindy Osorio v. Bayer Corp. et al.*** No. 3:09-cv-20065-DRH-PMF
- ***Phylicia Ramsey v. Bayer Corp. et al.*** No. 3:10-cv-10245-DRH-PMF
- ***Paula Richardson v. Bayer Corp. et al.*** No. 3:09-cv-10220-DRH-PMF

With respect to Defendants' motion to dismiss member actions

- ***Paula Lee v. Bayer Corporation et al*** 3:10-cv-10364-DRH-PMF and
- ***Nakeda Guyden v. Bayer Corporation et al*** 3:10-cv-10435-DRH-PMF
- ***Andrea Fox v. Bayer Corp. et al.*** No. 3:10-cv-10363-DRH-PMF

Defendant's motion is **DENIED** as **MOOT**.

SO ORDERED

/s/ David R Herndon

**Chief Judge
United States District Court**

Date: September 20, 2010